

BDLS
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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE APPLICATION	:	
FOR REREGISTRATION TO PRACTICE	:	FINAL DECISION
MEDICINE AND SURGERY OF	:	AND ORDER
	:	LS9204062MED
JOSEPH J. DAMBRAUSKAS, M.D.,	:	
APPLICANT.	:	

The State of Wisconsin, Medical Examining Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Medical Examining Board.

The rights of a party aggrieved by this Decision to petition the board for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 24 day of June, 1992.

B. J. Narasim

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE APPLICATION	:	
FOR REREGISTRATION TO PRACTICE	:	
MEDICINE AND SURGERY OF	:	
	:	PROPOSED DECISION
	:	(Case No. LS9204062MED)
JOSEPH J. DAMBRAUSKAS, M.D.,	:	
APPLICANT.	:	

The parties to this proceeding for the purposes of Wis. Stats. sec. 227.53 are:

Joseph J. Dambrauskas, M.D.
4233 Beverly Road
Madison, WI 53711

State of Wisconsin
Medical Examining Board
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

A hearing was held in the above-captioned matter on May 22, 1992. The applicant, Joseph J. Dambrauskas, M.D., did not appear nor did anyone appear on his behalf. The state appeared by its attorney, Gilbert C. Lubcke, Department of Regulation and Licensing, Division of Enforcement, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708. Given the non-appearance of the applicant, the state moved that applicant's request for a class 1 hearing upon the denial of his license to practice medicine and surgery be dismissed.

Based upon the motion by the state, the failure of the applicant to appear at the hearing and the record herein, the administrative law judge recommends that the Medical Examining Board adopt as its final decision in this matter the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. By correspondence dated January 27, 1992, the applicant, Joseph J. Dambrauskas, M.D., 4233 Beverly Road, Madison, Wisconsin 53711, was notified that the Medical Examining Board had denied his application for a license to practice medicine and surgery in the State of Wisconsin on the grounds that he had failed to achieve a passing grade on the oral examination.

2. The above-referenced correspondence also notified the applicant of his right to request a hearing on the denial, pursuant to Chapter RL 1 of the Wisconsin Administrative Code.

3. The applicant requested a hearing upon the denial. Accordingly, a Notice of Hearing commencing this matter as a class 1 proceeding within the meaning of section 227.01(3)(a), was filed with the administrative law judge and served by certified mail upon the applicant.

4. Pursuant to the Notice of Hearing, a hearing was held on May 22, 1992, commencing at 9:45 a.m. in Room 133 at 1400 East Washington Avenue, Madison, Wisconsin. Attorney Gilbert C. Lubcke appeared on behalf of the Department of Regulation and Licensing, Division of Enforcement. The applicant, Joseph J. Dambraskas, M.D., did not appear nor did any representative appear on his behalf.

5. Given the applicant's failure to appear at the time and place designated for the hearing, the department's attorney moved for an order dismissing applicant's request for a hearing in this matter.

CONCLUSIONS OF LAW

The Medical Examining Board has jurisdiction in this proceeding pursuant to Wis. Stats. secs. 448.02, 448.06(2) and 227.44, and Wis. Adm. Code ch. RL 1.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the request of Joseph J. Dambraskas, M.D., for a hearing upon the decision of the Medical Examining Board denying his application for a license to practice medicine and surgery is dismissed.

OPINION

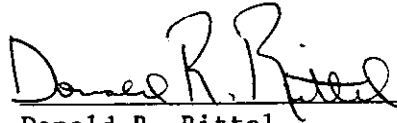
Section RL 1.07 of the Wisconsin Administrative Code states, in material part:

"In the event that neither the applicant nor his or her representative appears at the time and place designated for the hearing, the...board...may take action based upon the record as submitted. By failing to appear, applicant waives any right to appeal before the...board...which denied the license."

The applicant requested a hearing to contest the denial of his application for a license to practice medicine and surgery. A notice of the time and place designated for hearing was served upon the applicant. The applicant failed to appear. Therefore, his request for a hearing upon the board's determination to deny his application for a license to practice medicine and surgery is dismissed.

Dated: May 27, 1992.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Donald R. Rittel", is written over a horizontal line.

Donald R. Rittel
Administrative Law Judge

BDLS2-1815